

## **Zoning Board of Adjustment Meeting**

**February 23, 2005**

The February 23, 2005 regular called meeting of the Zoning Board of Adjustment was held in the Council Chambers of the City Hall of Round Rock located at 221 E. Main Street. With a quorum present, Chairman Keith A. Hickman called the meeting to order at 5:36 p.m.

Present for roll call, were Vice Chairman Terry Hagood, Board Member John Moman, Board Member Carol Hearn, Board Member Dan Garcia. Staff included Susan Brennan, Principal Planner, Nicole Crutchfield, Senior Planner, Charlie Crossfield, City Attorney and Kathy Miller, Administrative Assistant.

### **3. Briefing of Procedures**

Charlie Crossfield, City Attorney provided a briefing regarding the requirements for granting a Variance. Mr. Crossfield also distributed a memo dated February 23, 2005 that contained information on the required findings that the Zoning Board of Adjustment needs to take under consideration to grant a Variance.

### **4. Approval of the April 27, 2004 regular meeting minutes.**

Board Member Carol Hearn moved to approve the minutes of the April 27, 2004 regular called meeting, Board Member John Moman seconded the motion. The motion carried unanimously.

### **5. VARIANCES: PUBLIC HEARING/DISPOSITION:**

Chairman Keith A. Hickman removed himself from the dais, as he was the applicant for application no. 05-003-ZBA.

**5.A.** Consider public testimony regarding an application filed by Keith Hickman acting as the owner's agent to request a variance pursuant to Section 11.308 of the Zoning Ordinance. The variance reduces the side setback from 50 feet to 10 feet on the west property line. The subject property is described as 0.24 acres being a portion of Lot 3 and Lot 6, Block 45 of the City of Round Rock Original Plat, known at 106 W. Austin Avenue, application no. 05-003-ZBA.

Vice Chairman Terry Hagood opened the public hearing at 5:38 PM. Nicole Crutchfield, Senior Planner presented the staff report.

Cathey Carter, resident, spoke opposing granting the variance.

Keith A. Hickman, applicant, stated that with the current setback in place the property is not useable.

Vice Chairman Terry Hagood closed the public hearing at 5:41 PM.

***5.B. Consider a motion regarding the application for a variance to the Zoning Ordinance, to reduce the side setback from 50 feet to 10 feet on the west side of the property line at 106 W. Austin Avenue application no. 05-003-ZBA.***

Board Member Dan Garcia asked what is the size of the office space.

Applicant Keith A. Hickman stated approximately 1685 square feet.

Board Member John Moman stated that with the current setbacks that are in place, that would allow 1 foot of buildable space on the lot. Board Member Carol Hearn asked what are the requirements of the downtown reinvestment zone. Principal Planner, Susan Brennan stated the uses can vary. In the downtown reinvestment zone both residential and commercial uses are allowed. Vice Chairman Terry Hagood, asked what is the purpose of the 50 foot setback. Senior Planner, Nicole Crutchfield replied that the primary reason a setback is in place is to prevent the spread of fires. Ms. Crutchfield also stated that in this case the setback also provides for additional separation from a higher intensity use abutting a lower intensity use.

Board Member John Moman moved to approve the variance with the following conditions:

1. That a fence is required on the West property line.
2. That this variance is granted for the specific use as presented with this application. If the use of the building changes to a higher intensity, then the variance shall be void.

Board Member John Moman referenced the findings as presented in the staff analysis as part of his motion.

Board Member Carol Hearn seconded the motion.

The vote was:       Ayes: Terry Hagood  
                                  John Moman  
                                  Dan Garcia  
                                  Carol Hearn

Motion carried unanimously.

**5.C.** Consider public testimony regarding an application filed by Harvey and Patricia Miller for a variance pursuant to Section 11.308 of the Zoning Ordinance. The variance is to permit a temporary carport in the street yard, and

to permit that structure to encroach approximately 10 feet into the 20 foot front building setback. The subject property is described as Lot 23, Block E of the Hermitage Subdivision known as 1704 Hermitage Drive, application no. 05-001-ZBA.

Chairman Keith A. Hickman returned to the dais at 5:48 PM. Chairman Keith Hickman opened the public hearing at 5:50 PM. Senior Planner Nicole Crutchfield presented the staff report. Applicants Harvey and Patricia Miller were present at the meeting. Joe Baker, resident, spoke regarding the need for clarification of the variance. Mr. Baker was not opposed to the variance. The public hearing was closed at 5:55 PM.

***5.D. Consider a motion regarding the application for a variance pursuant to the Zoning Ordinance, to permit a temporary carport in the street yard, and to permit that structure to encroach in the front building setback by approximately 10 feet. The subject tract of land is located at 1704 Hermitage Drive application no. 05-001-ZBA.***

Vice Chairman Terry Hagood moved to approve the variance with the following conditions:

1. That the carport/breezeway be a temporary structure. Accordingly, the construction or removal of the carport/breezeway will not structurally affect the existing house.
2. The carport/breezeway shall be removed upon the transfer of title to a new owner.
3. The variance shall be acknowledged by the City and the current owner. The City will record the variance document at the Williamson County Courthouse. This will ensure the removal of the carport/breezeway upon the transfer of title.
4. The variance shall be recorded in the Williamson County Courthouse prior to the release of a building permit.

Vice Chairman Terry Hagood referenced the findings as presented in the staff analysis as part of his motion.

Board Member Dan Garcia seconded the motion.

The vote was:       Ayes: Terry Hagood  
                                  John Moman  
                                  Dan Garcia

Nayes: Carol Hearn

Motion carries.

**5.E.** Consider public testimony regarding an application filed by Mark Jenkins acting as the owner's agent to request a variance pursuant to Section 11.308 of the Zoning Ordinance. The variance is to reduce the rear building setback from 5 feet to 2.7 feet in order to permit an existing gazebo to encroach into the rear building setback. The subject property is described as Lot 22, Block G of the Hidden Glen III Subdivision, known as 3032 Las Colinas Way, application no. 05-002-ZBA.

Chairman Keith Hickman opened the public hearing at 6:05 PM. Senior Planner Nicole Crutchfield presented the staff report. Chairman Keith Hickman closed the public hearing at 6:07 PM. Applicant Mark Jenkins was present along with the homeowner Wayne Richardson for the variance request.

***5.F. Consider a motion regarding the application for a variance pursuant to the Zoning Ordinance, to reduce the rear building setback from 5 feet to 2.3 feet in order to permit an existing gazebo to encroach into the rear building setback. The subject tract of land is located at 3032 Las Colinas Way application no. 05-002-ZBA.***

Board Members discussed the permitting and inspection procedures and the subsequent construction timing with the applicant, Mr. Richardson, and the builder, Mr. Jenkins. Board Members also asked for clarification regarding the proximity of the trees in the back yard to the gazebo.

Board Member Carol Hearn moved to deny the variance request with the following findings as in accordance with the City of Round Rock Zoning Ordinance Chapter 11, Section 11.308 (3) (a)

1. Extraordinary Conditions – reference section 11.308 (3) (a) (i)
2. Applicant's Actions – reference section 11.308 (3) (a) (v)
3. Insufficient Findings – reference section 11.308 (3) (b) (ii)

Board Member John Moman seconded the motion.

The vote was:

Ayes: Carol Hearn

John Moman

Nayes: Dan Garcia

Terry Hagood  
Keith Hickman

The motion fails.

Vice Chairman Terry Hagood moved to table this application until additional information could be provided. Board Member Carol Hearn seconded the motion. The additional materials requested were:

1. A registered tree survey. This survey shall be provided by the applicant and presented to the City of Round Rock Planning department by March 11, 2005 in order to process the application by March 23<sup>rd</sup>.
2. All building inspection reports for the above referenced property. This information will be provided to the Zoning Board of Adjustment by the City of Round Rock Chief Building Official.
3. The Building Official to be present at the March 23, 2005 Zoning Board of Adjustment meeting.

**6. NEW BUSINESS**

Principal Planner Susan Brennan stated that the next Zoning Board of adjustment meeting would be held on March 23, 2005 at 5:30 PM.

**7. PLANNER REPORT AND BOARD MEMBER COMMENTS**

Board Member Carol Hearn complimented staff on a very concise packet.

**ADJOURNMENT**

Being no further business the meeting was adjourned at 6: 55 PM.

Respectfully Submitted,

Kathy Miller  
Administrative Assistant